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15 **UNITED STATES DISTRICT COURT**  
16  
17 **EASTERN DISTRICT OF WASHINGTON**  
18  
19 **AT YAKIMA**

20 STATE OF WASHINGTON, STATE OF  
21 COLORADO, STATE OF CONNECTICUT,  
22 STATE OF ILLINOIS, STATE OF  
23 MARYLAND, STATE OF MICHIGAN,  
24 STATE OF MINNESOTA, STATE OF  
25 NEVADA, STATE OF NEW MEXICO,  
STATE OF OREGON, STATE OF RHODE  
ISLAND, STATE OF VERMONT,  
COMMONWEALTH OF VIRGINIA, and  
STATE OF WISCONSIN,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity  
as President of the United States of America;  
UNITED STATES OF AMERICA; LOUIS  
DEJOY, in his official capacity as Postmaster  
General; UNITED STATES POSTAL  
SERVICE,

Defendants.

NO. 1:20-cv-03127-SAB

UNOPPOSED MOTION FOR  
EXPEDITED CONSIDERATION  
AND TO EXCEED PAGE LIMITS  
OF DEFENDANTS' MOTION FOR  
CLARIFICATION

NOTING DATE: September 24, 2020  
Without Oral Argument

1 Pursuant to Federal Rule of Civil Procedure 6(c)(1)(C) and Local Rules 7(f)(5)  
2 and 7(i)(2)(C), Defendants respectfully move this Court to expedite any necessary  
3 briefing and the consideration of, and allow the enlargement of the applicable page  
4 limits for, Defendants' Motion for Clarification.

5 **I. Motion for Expedited Consideration**

6 Good cause exists for expedited consideration of Defendants' Motion for  
7 Clarification. On September 17, 2020, this Court entered a Preliminary Injunction  
8 enjoining the Postal Service from taking a number of actions. ECF No. 81. As set  
9 forth in Defendants' Motion for Clarification, the Postal Service immediately began  
10 taking steps to implement the Court's Injunction, and on Monday, September 21,  
11 issued detailed operational guidance regarding how to comply with the Injunction.  
12 Defendants now seek clarification of three discrete issues in the Injunction in order to  
13 prevent unintended consequences. The normal time requirements for motions under  
14 Local Civil Rules 7(i)(2)(A) and 7(i)(2)(C), would jeopardize — if not completely  
15 frustrate — the Postal Service's ability to implement the required actions, specifically,  
16 those directed at the processing of election mail for the November 2020 election.  
17 Defendants therefore request that the Motion for Clarification and any response and  
18 reply be submitted for the Court's consideration by October 1, 2020.

19 **II. Motion to Exceed Page Limit**

20 Good cause exists to enlarge the page limit of Defendants' Motion for  
21 Clarification. Local Rule 7(f)(2) provides that a non-dispositive motion shall not  
22 exceed ten (10) pages. Defendants respectfully request that the Court enlarge the  
23 page limit for Defendants' Motion to fifteen (15) pages. This small amount of  
24 additional pages is necessary for Defendants, first, to describe to the Court the  
25 relevant portions of the Postal Service's Instructions, relative to the corresponding  
26 requirements of the Injunction, and second, to explain to the Court at the necessary  
27 level of detail which aspects of the Injunction may cause unintended consequences

(some that, assuming they are operationally possible, would frustrate the purpose of the Injunction by delaying mail processing) if not further clarified by the Court.

### **III. Opposing Party's Position**

Counsel for Defendants has conferred with counsel for Plaintiffs, who represent that Plaintiffs do not oppose either Defendants' motion for expedited consideration or the motion to exceed the page limits.

Dated: September 23, 2020 Respectfully submitted,

JEFFREY BOSSERT CLARK  
Acting Assistant Attorney General

ERIC R. WOMACK  
Assistant Director, Federal Programs Branch

*/s/ Joseph E. Borson*  
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## **CERTIFICATE OF SERVICE**

I hereby certify that on this 23d day of September, I electronically filed the foregoing Opposition with the Clerk by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

Dated: September 23, 2020

By: /s/ Joseph E. Borson  
Joseph E. Borson

## Counsel for Defendants